

'08 - CV 02479

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Criminal Action No. 04-cr-00123-MSK

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DAVID L. STARR,

Defendant.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

NOV 14 2008

GREGORY C. LANGHAM  
CLERK

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**ORDER**

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THIS MATTER comes before the Court *sua sponte*,

Upon the review of the Petition for Writ of Habeas Corpus at Docket Entry #58, which was submitted by the Defendant, *pro se*. Despite its title "Petition for Writ of Habeas Corpus" and its request that the Court determine the legality of Petitioner's detention, the Clerk docketed it as a Writ of Habeas Corpus ad Prosequendum. It is, instead, a Petition for Writ of Habeas Corpus brought pursuant to 28 U.S.C. § 2244.

**IT IS THEREFORE ORDERED** that Docket Entry #58 is hereby **STRICKEN** from this action. The Clerk is directed to open an appropriate case for its determination.

DATED this 14<sup>th</sup> day of November, 2008.

**BY THE COURT:**



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Marcia S. Krieger  
United States District Judge